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October 1, 1982

Ms. Vicky Keramida, Ph.D.
Project Manager
Industrial Pretreatment Program
Department of Public Works
2460 City County Building
Indianapolis, IN 46206

Dear Ms. Keramida:

I enclose for your review a draft of the Task 5.1 report "Ordinance Review", which is intended to satisfy the state of Indiana's Activity 2's (I) reporting requirement (formerly designated Activity 2A). I would like to review this document and the draft enforcement procedures document, which Mr. Fagan provided to you in September, at a meeting on October 14 at 9 a.m. The purpose of that meeting will be to integrate the ordinance development process with the development of the program management task which Mr. Buell has been working on with Dale Bertelson. The outcome of that meeting will be a consensus of the items that are the highest priority for integration into the City's pretreatment program and incorporation into the ordinance where necessary.

It would be most productive if you were joined by Mr. Bertelson, his staff, at that meeting. Mr. Fagan and Mr. Buell will join me in discussing in detail the integration of the ordinance development into the program development task for the city's pretreatment program.



Peat, Marwick, Mitchell & Co

Ms. Vicky Keramida, Ph.D.
Department of Public Works
October 1, 1982
2

We feel this is an important session and we look forward to working with you on the 14th.

Very truly yours,

PEAT, MARWICK, MITCHELL & CO.

Larry J. Scully

cc: Mr. Dale Bertelson, Department of Public Works
Mr. Jeff Sirmin, Department of Public Works
Mr. Deems Buell
Mr. Larry Russell, James Montgomery Engineers

INDIANAPOLIS PRETREATMENT PROGRAM
ACTIVITY 2 (I) REPORT
DRAFT LEGAL AUTHORITY - 40 CFR 403.8(f)(1)

September 29, 1982

As part of the pretreatment program development, Indianapolis must demonstrate that it has sufficient legal authority, enforceable in federal, state or local courts, to authorize or enable the City to apply and enforce the requirements of Section 307(b) and (c) and Section 402(b)(8) of the Clean Water Act of 1977 and any regulations implementing that Act. This authority may be contained in statutes, ordinances, or a series of contracts or joint powers agreements between Indianapolis and industry. The specific legal authorities that Indianapolis must have, as a minimum, are listed in CFR 403.8(f)(1)(i) to (vi).

As part of the review of the City's existing industrial discharge program, the City's legal staff made an assessment of current state statutes, City ordinances and existing permit system to identify any deficiencies in these minimum legal requirements. The results of this assessment are summarized below:

1. 40 CFR 403.8(f)(1)(i): "Deny or condition, new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Industrial Users where such contributions do not meet applicable Pretreatment Standards and Requirements, or where such contributions would cause the POTW to violate its NPDES permit." Applicable Pretreatment Standards means the industries must meet the limitations that are most stringent, whether they be federal, state, or local limitations.

Indianapolis Code (IC) Chapter 27, Sewers and Sewage Disposal, contains the local regulation of industrial discharge to the Indianapolis wastewater treatment works. This chapter permits the Department of Public Works (DPW) to prohibit any connection to a City sewer if it is not demonstrated that there is sufficient capacity to handle the pollutants to be discharged. In addition, it requires all industrial users to obtain a discharge permit before connecting to the City system. Permit conditions may be established which limit the wastewater characteristics of the user and shall require that the application meet federal pretreatment standards. The permit is issued for a

specific operation and does not constitute a permit for a new or changed operation. (See particularly IC Sections 27-1 to 27-3 and Sections 27-41 to 27-44.) } o.k.

It appears that Indianapolis has sufficient legal authority to restrict discharges into the POTW.
 * The definition of an industrial user in the Indianapolis Code appears, however, to be narrower than the federal pretreatment definition and might be expanded. In addition, many of the State statutes are concerned only with pollutants that interfere with the treatment system. Clarification needs to be obtained to ensure the application of those sections to all industrial discharges.

2. 40 CFR 403.8(f)(1)(ii): "Require compliance with applicable Pretreatment Standards and Requirements by Industrial Users."

Indianapolis Code Section 27-3, Regulation of Discharges to Public Sewers, requires compliance with all provisions of Section 307 of the Act, Toxic and Pretreatment Effluent Standards, and the regulations and standards promulgated pursuant to that section.

3. 40 CFR 403.8(f)(1)(iii): "Control, through permit, contract, order, or similar means, the contribution to the POTW by each Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements."

Indianapolis Code Section 27-41 et seq., Industrial Discharge Permits, requires all industrial users to obtain a discharge permit before connecting into a City sewer. The Director of DPW may prescribe permit conditions including the application of federal and/or state laws, regulations and orders, and the Director shall apply applicable federal pretreatment standards; in the absence of such standards, limits may be based on the best practical technology. It is unlawful for any industrial user to discharge without a valid permit.

- * Section 27-4 permits agreements between the Department and any industrial user when, in the opinion of the Director, unusual or extraordinary circumstances compel special terms and conditions.

27-57
+ 27-4
OK. for IU's in City's boundaries but what about outside.

with
very
few
same

These provisions are adequate to provide the mechanism for the City to ensure compliance with pretreatment standards and requirements by industrial users.

The City provides sewer service to outside municipalities and sewer districts through separate agreements authorized by Indiana Code Section 18-5-1, 5-1. These contracts provide that the community will comply with all applicable provisions and regulations of the Clean Water Act. However, there is no specific description of the requirements of complying with and enforcing the requirements of a pretreatment program. There is some question as to available actions the City may take against outside industrial users to enforce its pretreatment program.

see these

needs to be addressed.

4. 40 CFR 403.8(f)(1)(iv)(A): "Require the development of a compliance schedule by each Industrial User for the installation of technology required to meet applicable Pretreatment Standards and Requirements."

The Indianapolis Code does not contain specific language providing for the development of a compliance schedule. However, Section 27-41 permits the Director of Public Works to enter into special agreements under compelling circumstances.

27.42 (7)

is O.K. for Cat + local if City define applicable PT. STD.

These two sections should provide the basis for establishing compliance schedules. The process should, however, be made more explicit in Section 27-41.

5. 40 CFR 403.8(f)(1)(iv)(B): "Require the submission of all notices and self-monitoring reports from Industrial Users as are necessary to assess and ensure compliance by Industrial Users with Pretreatment Standards and Requirements, including but not limited to the reports required in 40 CFR 403.12."

these

*27.42
27.45
27.48
27.49
27.44*

Several provisions of the Indianapolis Code pertain to reporting of information by industrial users, including Section 27-41 (b) and (e). In addition, Section 27-3, Regulation of Discharges to Public Sewers, incorporates by reference the requirements of 40 CFR 403.12. Finally, Section 27-7, Rules and Regulations, authorizes the promulgation of rules and regulations necessary to carry out the

provisions of the sewer use ordinance. These provisions should provide the legal authority a specific reporting.

40 CFR 403.12 is very specific and extensive as to minimum reports that need to be filed, requiring review by authorized representatives of the industrial user. Because of the significance of some of these reports, the requirements might better be detailed in either the Code or in the permit conditions.

*draft permit
application
& permit would
be acceptable.*

6. 40 CFR 403.8(f)(1)(v): "Carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by Industrial Users, compliance or noncompliance with applicable Pretreatment Standards and Requirements by Industrial Users."

Section 27-5, Monitoring Devices; Metering Equipment, authorizes the Director to require the installation of monitoring facilities to allow for inspection sampling or flow measurement.

there
27.12
27.13

In addition, Section 27-6, Right to Inspect, authorizes DPW representatives to enter any premises for purposes of inspecting, measuring, and sampling discharges.

The Code provisions also are not as stringent as those required under Section 308 of the Act.

The Code needs revision to strengthen the provisions regarding the right to enter and inspect.

7. 40 CFR 403.8(f)(1)(v): "Representatives of the POTW shall be authorized to enter any premises of any Industrial User in which a discharge source or treatment system is located, or in which records are required to be kept."

this
27.13

The Indianapolis Code is silent as to entry of premises where records are required to be kept under S40312(m) to ensure compliance with pretreatment standards. The Code provisions need to be strengthened regarding this requirement.

8. 40 CFR 403.8(f)(1)(vi)(A): "Obtain remedies for noncompliance by any Industrial User with any Pretreatment Standard and Requirement. The POTW shall be able to seek injunctive relief for

noncompliance. When a POTW has an ordinance, it shall be able to seek and assess civil and criminal penalties for noncompliance. POTWs without ordinances shall enter into contracts with Industrial Users to assure compliance."

Indianapolis Code Section 27-41(g) provides that the City may seek injunctive relief for discharge into a City sewer without a valid discharge permit. In addition, IC Section 27-9, Penalties, permits the use of any legal or equitable remedy otherwise available to the City.

need to see this → Indiana Code 19-2-20-125 authorizes the DPW to issue cease and desist orders enforceable through injunctions for any violation of its pretreatment regulations.

The Indianapolis Code should be modified to detail available enforcement procedures including the provisions of IC 19-2-20-125.

Indianapolis Code Section 27-9 provides for the imposition of a civil penalty not to exceed \$1000 per day for violation of any provision of the sewer use ordinance.

Verify to home
Lebanon is imposing criminal penalties (i.e. 6 months) [No applicable state statute was found which authorizes a municipality to impose criminal sanctions to enforce pretreatment regulations.

9. 40 CFR 403.8(f)(1)(vi)(B): "The POTW shall have the authority and procedures (after informal notice to the discharger), immediately and effectively, to halt or prevent any discharge of pollutants which reasonably appears to present an imminent endangerment to the health or welfare of persons or to the environment or which threatens to interfere with the operation of the POTW."

The City does not have specific legal authority to halt or prevent discharge of pollutants to the treatment works.

10. A copy of the existing Indianapolis sewer ordinance is attached to this activity report.

DRAFT ONLY

November 9, 1982

EDITOR'S NOTE:

The following includes proposed additions and deletions to portions of the existing Sewer Use Ordinance for the City of Indianapolis.

Sections in new type indicate additions, and deleted sections have been crossed out. Sections that remain unchanged have been merged in their original typeset format. Several sections have been renumbered to accommodate changes.

DRAFT ONLY

CITY OF INDIANAPOLIS

CHAPTER 27

SEWERS AND SEWAGE DISPOSAL

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Chapter 27

SEWERS AND SEWAGE DISPOSAL

ARTICLE 1. IN GENERAL

Sec. 27-1. Purpose and Policy.

This Ordinance sets forth uniform requirements for dischargers into the City of Indianapolis wastewater collection and treatment systems, and enables the City of Indianapolis to protect public health and comply with all applicable local, State and Federal laws relating thereto.

The objectives of this Ordinance are:

- (a) to prevent the introduction of pollutants into the City wastewater system which will interfere with the normal operation of the system or contaminate the resulting municipal sludge;
- (b) to prevent the introduction of pollutants into the City wastewater system which do not receive adequate treatment in the wastewater works, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (c) to improve the opportunity to recycle and reclaim wastewater and sludge from the system.

This Ordinance provides for the regulation of discharges into the City wastewater system through the issuance of industrial discharge and building permits, the execution of special agreements, and the enforcement of administrative regulations.

In furtherance of these objectives, this Ordinance details the general regulation of discharges to public sewers; the issuance of connection permits for building sewers; the issuance of discharge permits for all industrial users of the system; the establishment of a system of rates, charges, and billings for the use of the system; and regulations for private disposal facilities. ✓

Sec. 27-2. Definitions. (This section to be further revised to reflect all appropriate definitions.)

As used in this chapter the following terms shall have the meanings ascribed to them in this section unless the context specifically indicates otherwise:

Act shall mean the Federal Water Pollution Control Act, as amended, 33 USC 1251, et seq., also known as the Clean Water Act.

ASTM shall mean the American Society for Testing and Materials.

Board shall mean the board of public works.

BOD (denoting biochemical oxygen demand) shall mean the quantity of [oxygen utilized in the biochemical] oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter.

Building drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from solid waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal.

[**City sewer** shall mean a sewer owned and operated by the city.]

Combined sewer shall mean a sewer receiving both surface runoff and sewage.

Director shall mean the director of the department of public works, or his authorized deputy, agent or representative.

Garbage shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Expand [**Industrial user** shall mean any user of the wastewater works who discharges, causes, or permits the discharge of nondomestic wastewater into the wastewater works.

Industrial waste shall mean the liquid waste from industrial manufacturing processes, trades or businesses, as distinct from domestic sewage.

NH₃-N (denoting ammonia nitrogen) shall mean all of the nitrogen in water, sewage or other liquid waste present in the form of ammonia, ammonium ion or in the equilibrium $\text{NH}_4^+ \rightleftharpoons \text{NH}_3 + \text{H}^+$.

Natural outlet shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

Nonindustrial user shall mean all users of the waste water works not included in the definition of "industrial user."

Person shall mean any individual, partnership, trust, firm, company, association, society, corporation, group, governmental agency, including but not limited to, the United States of America, the State of Indiana and all political subdivisions, authorities, districts, departments, agencies, bureaus and instrumentalities thereof, or any other legal entity.

pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Properly shredded garbage shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

Public sewer shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Sanitary sewer shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

Sewage normally discharged by a residence shall mean the liquid waste contributed by a residential living unit and shall not exceed a volume of ten thousand five hundred (10,500) gallons per month, thirty (30) pounds of BOD per month and thirty-five (35) pounds of suspended solids per month.

Sewer shall mean a pipe or conduit for carrying sewage.

[*Sewer work* shall mean the connecting of any building sewer to a city sewer, the making of a significant alteration to or significant repair of a building sewer, the connecting of a building sewer to a building drain or the altering or repairing of a city sewer.

Shall is mandatory; *may* is permissive.]

Slug shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four-hour concentration or flow during normal operation.

Storm drain or *storm sewer* shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Suspended solids (SS) shall mean solids that either float on the surface of, or are in suspension in, water, sewage or other liquids, and which are removable by laboratory filtering.

Waste water shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

Waste water treatment plant shall mean any arrangement of devices and structures used for treating sewage.

Waste water works shall mean all facilities for collecting, pumping, treating and disposing of sewage and/or industrial waste.

Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently. (G.O. 44, 1978, § 1; G.O. 41, 1979, § 1; G.O. 90, 1980, § 1)

Sec. ~~27-2~~. Unlawful disposal of wastes.

(a) It shall be unlawful to discharge to any natural outlet or watercourse within the city any waste water or other polluted waters, except where suitable treatment has been provided in accordance with the laws of the United States, State of Indiana or the city.

(b) Except where a valid national pollution discharge elimination system permit exists, the owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the city

and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a city sewer, is hereby required at his expense to connect such facilities directly with the proper city sewer in accordance with the provisions of this chapter, within ninety (90) days after the day of official notice to do so, provided that said city sewer is within one hundred (100) feet (30.5 meters) of the property line, notwithstanding whether or not the facilities are served by any private sewage disposal system and within conditions as hereinafter provided. (G.O. 44, 1978, § 2)

Sec. ~~27-3~~. Regulation of discharges to public sewers.

(a) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff or subsurface drainage into any sanitary sewer.

(b) Storm water and all other unpolluted drainage may be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the director. Industrial cooling waters or unpolluted process waters may be discharged, on approval of the director, to a city sewer or natural outlet.

(c) No person shall discharge or cause to be discharged to any city sewer waste water or wastes which cause, threaten to cause, or are capable of causing, either alone or by interaction with other substances:

- ✓ (1) Wastes which create a fire or explosion hazard.

heat → add more: i.e. Any wastewater having a temperature at the point of discharge to the POTW which exceeds 65°C (150°F) or which exceeds 40°C (104°F) at the POTW treatment plant

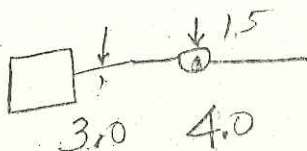
- (2) Wastes which will cause corrosive structural damage to the waste water works but in no case waste with a pH lower than 5.0 or higher than 10.0.
- (3) Solid or viscous waste in amounts which would cause obstruction to the flow in city sewers, or other interference with the proper operation of the waste water works.
- ✓ (4) Wastes at a flow rate and/or pollutant discharge rate which is excessive over relatively short time periods so

that there is a treatment process upset and subsequent loss of treatment efficiency.

- (d) No person shall discharge or cause to be discharged to any sewer! *

The ordinance needs to clarify the point at which the requirements of (d) apply. ie - at the sampling/monitoring manhole:

- (1) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the wastewater works, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.
- (2) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (3) Any substance which may cause the wastewater work's effluent or any other product of the wastewater works such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the wastewater works cause the wastewater works to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; *any criteria guidelines or regulations affecting sludge use or disposal developed pursuant to RCRA, SWDA, CWA, TSCA, or State*



State criteria applicable to the sludge management. ~~method~~

define
Any substance which will cause the wastewater works to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards. *define*

Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

- (e) A grease interceptor shall be installed in the waste line leading from sinks, drains and other fixtures or equipment in restaurants, cafes, lunch counters, cafeterias, bars and clubs; hotel, hospital, sanitarium, factory or school kitchens; or other establishments where grease may be introduced into the drainage or sewage system in quantities that can affect line stoppage or hinder sewage treatment. The characteristics, size and method of installation of the grease interceptor shall meet the requirements imposed by the Administrative Building Council of the State of Indiana and shall be reviewed and approved by the Department of Public Works prior to the commencement of installation. Approval of proposed facilities or equipment does not relieve the person of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose. On a showing of good cause, the administrator of the division of buildings may waive this requirement. A grease interceptor is not required for individual dwelling units or for any private living quarters.

(f)

change terminology to categorical standards
~~(e)~~ In addition to the limitations contained in the foregoing provisions of this section, the provisions of Sections 307 and 308 of the "Federal Water Pollution Control Act Amendments" of 1972 and the U.S. EPA Regulations, promulgated pursuant to said provisions, are hereby by reference incorporated in this chapter and made a part thereof. Two (2) copies of said regulations are on file in the office of the clerk for public inspections, but in no event shall any person discharge or cause to be discharged a waste water containing in excess of:

is this legal?

~~Daily Average~~
Concentration
(mg/l)

Proposed

total
Pollutant

Cadmium	1.0	— 0.5
Chromium (hex) (tr)?	2.0	— 2.0
Copper	1.0	— 6.0
Cyanide (total)	0.64	— 4.0
Lead	2.0	— 15.0
Nickel	2.0	— 5.0
Phenols	0.5	— deleted
Zinc	2.0	— 20.0
Mercury	0.005	— 0.04
Petroleum oil	100.0	— deleted

Proposed Additions

Arsenic	4.0
Cr (T)	10.0
CN (A)	1.0
Ag	80.0

BOD ?
TSS ?
FOG ?

Additional limitations on waste water discharges are:

add more ✓

- (1) Having a temperature higher than one hundred fifty (150) degrees Fahrenheit.
- (2) Containing any garbage not properly shredded.
- (3) Containing radioactive material, including but not limited to, radioactive waste above limits, regulations or orders issued by the appropriate authority having control over their use. (G.O. 44, 1978, § 3; G.O. 41, 1979, § 2)

Sec. 27-5. Modification of Federal Categorical Pretreatment Standards.

existing proposed limits exceed Cat. Std. now.
When the City's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the City may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of (Title 40 of the Code of Federal Regulations, Part 403) - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The City may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Approval Authority is obtained.

Sec. 27.6. State Requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Ordinance.

Sec. 27-7. City's Right of Revision.

The City reserves the right to establish by Ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 27.1 of this Ordinance.

Sec. 27-8. Excessive Discharge.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the City or State.

Sec. 27-9. Accidental Discharge.

Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. All existing users shall complete such a plan by January 1, 1984. No user who commences contribution to the wastewater works after the effective date of this Ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Ordinance. 7/1/83

Notification Procedures for Accidental Discharge

(a) In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the Industrial Surveillance Branch of the incident. The notification shall include name of company, location of discharge, type of waste, concentration and volume, and corrective actions.

See page 26 - upset #2
(b) Within five (5) days following an accidental discharge, the user shall submit to the director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the wastewater works, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

Sec. 27-10. Notice to Employees.

A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

Sec. 27-11

Sec. 27-4. Special agreements.

Special agreements and arrangements between the department and any person may be established when, in the opinion of the director, unusual or extraordinary circumstances compel special terms and conditions. The director shall consider the total cost of application of technology in relation to the pollutant reduction benefits to be achieved from such application, the quantity of pollutants that will be included in the discharge, the impact of those pollutants on the treatment system and such other factors as the director deems appropriate. (G.O. 44, 1978, § 6; G.O. 78, 1978, § 2(a))

Sec. 27-9. Accidental Discharge.

Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. All existing users shall complete such a plan by January 1, 1984. No user who commences contribution to the wastewater works after the effective date of this Ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Ordinance.

Notification Procedures for Accidental Discharge

(a) In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the Industrial Surveillance Branch of the incident. The notification shall include name of company, location of discharge, type of waste, concentration and volume, and corrective actions.

(b) Within five (5) days following an accidental discharge, the user shall submit to the director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the wastewater works, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

Sec. 27-10. Notice to Employees.

A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

Sec. 27-11

Sec. ~~27-4~~. Special agreements.

Special agreements and arrangements between the department and any person may be established when, in the opinion of the director, unusual or extraordinary circumstances compel special terms and conditions. The director shall consider the total cost of application of technology in relation to the pollutant reduction benefits to be achieved from such application, the quantity of pollutants that will be included in the discharge, the impact of those pollutants on the treatment system and such other factors as the director deems appropriate. (G.O. 44, 1978, § 6; G.O. 78, 1978, § 2(a))

S 27-5. Monitoring devices; measuring equipment.

(a) *[Installation and maintenance at user's expense.]* The director may require, as is necessary to carry out the requirements of this chapter, any person to construct at his own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building drain or sewer and may also require sampling or metering equipment to be provided, installed and operated at the user's expense. The monitoring facility should normally be situated on the user's premises, but the director may, when such a location would be impractical or cause undue hardship, upon his approval allow the facility to be constructed in the public right-of-way; provided, however, the department of transportation shall be the authority, through the street maintenance, traffic and street engineering divisions, to determine the locations on the public right-of-way, the monitoring device and facility shall be placed.

O.K.
basis for
self-monitoring
reports.

(b) *[Temporary right-of-way use permit.]* The owner of the property abutting the public right-of-way to be used for the installation of the monitoring device shall submit to the permit section a department of transportation temporary right-of-way use permit. The permit section shall furnish the property owner the temporary right-of-way use form. The maintenance, traffic and street engineering divisions staff of the department of transportation shall review the temporary right-of-way use request and site plan and transmit their recommendations to the transportation board for approval. (G.O. 44, 1978, § 9; G.O. 78, 1978, §§ 2(b), 4(c))

Sec. 27-13. Right to Inspect.

Whenever required to carry out the objectives of this Code, the director or his authorized representative, upon presentation of his credentials, shall have a right of entry to, upon, or through any premises for purposes of reviewing records or inspecting, measuring, and sampling of the discharges. This right of entry shall include, but not be limited to, any equipment necessary to conduct said inspections, measuring, and sampling. It shall be the duty of the person to provide all necessary clearance before entry and not to unnecessarily delay or hinder the director in carrying out the review of records, inspection, measuring, and sampling. The right of entry shall exist at any time.

define

discuss

very stringent demand!!

Sec. 27-14

Sec. 27-7. Rules and regulations.

After the passage of this chapter, and from time to time thereafter as may be needed, the board of public works may, by resolution, promulgate rules and regulations necessary to implement and carry out the provisions of this chapter and not inconsistent therewith. Before any such rules and regulations shall become effective, the board of public works shall give notice and hold a public hearing, according to the procedure provided in Indiana Code 19-2-20. (G.O. 44, 1978, § 13; G.O. 78, 1978, § 2(d))

Sec. 27-15

Sec. 27-8. Liability for damage.

(a) If any person discharges or causes to be discharged a waste which causes obstruction, damage or any other impairment to the waste water works, the director may assess a charge against said person for the work required to clean or repair the waste water works and add such charges to said person's regular charge.

(b) Persons shall notify the director immediately upon accidentally discharging wastes in violation of this chapter to enable countermeasures to be taken to minimize damage to the waste water works. (G.O. 44, 1978, § 11; G.O. 78, 1978, § 2(e))

Sec. 27-16. Penalties.

- (a) Any person who violates any provision of this chapter, upon conviction thereof, shall be fined an amount not to exceed one thousand dollars (\$1,000.00). Each day's violation shall constitute a separate offense.
- (b) Nothing in this chapter shall restrict any right which may be provided by statute or common law to the city to bring other actions, at law or at equity, including injunctive relief.

*Criminal 7
penalties.
Falsifying info?*

ARTICLE II. BUILDING SEWERS

Sec. 27-22. Connections.

(a) *Permit required.* A connection permit shall be secured from the director before accomplishing any sewer work. There shall be charged for a permit a fee of fifteen dollars (\$15.00). The board may revise the amount of such fee, but not more than once in each calendar year. A part of such fee, not less than ten dollars (\$10.00), shall be allocated to the division of buildings to defray the cost of making inspections.

(b) *Application.* An application for such connection permit shall be made on a form prescribed by the director and may require the following information:

- (1) Name and address of the owner;
- (2) If the owner is not doing the sewer work, the name, address and telephone number of the contractor;
- (3) Address, and if necessary, the legal description of the premises where the work is to be done;
- (4) Plans for the building sewer and connections;
- (5) Estimated date of start of work and completion time;
- (6) Any other information as may be deemed necessary by the director to carry out the provisions of this chapter.

(c) *Who may apply.* Application for a connection permit shall be made by:

- (1) An owner of a one-or two-family residence, if the sewer work actually is going to be accomplished by the homeowner; or
- (2) A plumbing contractor licensed by the state and registered under section 8-270; or
- (3) A contractor (other than a plumbing contractor) who has met the surety bond and insurance requirements of this chapter.

(d) *Conformance with administrative building council regulations.* All sewer work and any other construction actually performed on or associated with the building drain, building sewer and the connection of the building sewer to the city sewer shall be in accordance with the rules and regulations of the Administrative Building Council of the State of Indiana and applicable ordinances of the city.

(e) *Bonding requirements.* Surety bond requirements are met if the contractor has filed and maintains with the consolidated city a surety bond in the amount of two thousand five hundred dollars (\$2,500.00) which is:

- (1) Issued by a surety authorized to do business in Indiana;
- (2) Payable to the consolidated city or an unknown third party as obligee; and
- (3) Conditioned upon:
 - a. The proper performance of all sewer work in accordance with state law, rules of the administrative building council, provisions of the Code of Indianapolis and Marion County, and rules and requirements of the department of public works;
 - b. Prompt payment of all fees owed the consolidated city as set forth in this chapter;
 - c. Prompt payment to the consolidated city for any loss, damage, expense, claim, demand or judgment for damages to property of the consolidated city caused by any action, negligent or otherwise, of the contractor, his agents or employees while engaged in any sewer work; and
 - d. Prompt payment to an unknown third party obligee for any loss, damage, expense, claim, demand or judgment for damages to property to an unknown third party obligee caused by any action, negligent or otherwise, of the contractor, his agents or employees, while engaged in any sewer work.

(f) *Insurance requirements.* Insurance requirements are met if the contractor has secured and maintains a public liability and property damage insurance policy assuring all sewer work accomplished by the contractor or under permits obtained by the contractor and naming the consolidated city as an additional assured, and providing also for the payment of any liability imposed by law on such contractor or the consolidated city arising out of sewer work being performed by or on behalf of the contractor in the minimum amounts of three hundred thousand dollars (\$300,000.00) for any occurrence relative to which there is injury or death to one (1) or more persons and one hundred thousand dollars (\$100,000.00) for any occurrence relative to which there is damage to property. A certificate of such policy shall be delivered to the city. The insurance carrier shall give notice both to the contractor and the city at least fifteen (15) days before such insurance is either canceled or not renewed, and the certificate shall state this obligation.

(g) *Inspection notice.* It shall be the duty of any holder of a connection permit to notify the division of buildings that sewer work is available for inspection prior to backfilling the excavation in and around the connection of the building sewer to the city sewer, along the entire length of the building sewer and in and around the connection of the building sewer to the building drain. However, part of the building sewer excavation may be backfilled where such filling is necessary to the digging of another part of the building sewer trench. The director shall specify, in the connection permit, how such notice shall be given. The holder of the permit may proceed to backfill if neither the division of buildings nor the department of public works has made an inspection within a three-hour period after the sewer work is done or such notice is given, whichever is later. Expiration of time from such three-hour period will only occur when the division of buildings is open for business. An inspection may be waived, with or without conditions, with the concurrence of the director and the administrator of the division of buildings.

(h) *Supplemental to other construction ordinances.* This chapter shall not be construed as contravening any ordinance of the city relating to construction within public streets, roads or rights-of-way but rather shall be supplemental thereto.

(i) *Modification of permit fee.* The board of public works may modify the connection permit fee by reducing the fee no lower than the amount which is to be received by the division of buildings when connections to the city sewer are contemplated as part of the construction of the city sewer under a public improvement resolution or the exercise of its general powers and duties to construct city sewers.

(j) *Evaluation by director.* Except to the extent that it may be preempted by the acts of state and federal agencies pursuant to the state or federal laws, rules or regulations, the director may prohibit any connection of a building sewer to a city sewer if it is not demonstrated that there is

sufficient capacity in all downstream sewers, lift stations, force mains and treatment plants, including capacity for pollutants, to accommodate any person applying for a connection permit. The applicant for the permit shall provide the information deemed appropriate for evaluation by the director.

(k) *Right of entry.* The division of buildings and the department of public works shall each or both have the right of entry to, upon or through any premises for purposes of inspection of sewer work and any other construction activity performed on or associated with the connection of the building sewer to the city sewer.

(l) *Expiration of permit.* The connection permit shall expire by operation of law if work is not initiated within one hundred fifty (150) days from the date of issuance. The director may, however, for good cause extend the duration of the permit for a reasonable period.

(m) *Enforcement of bond.* Any action may be initiated in a court of competent jurisdiction relative to the bond provided for in subsection (e) [as follows]:

- (1) The corporation counsel of the consolidated city may initiate proceedings to forfeit a bond:
 - a. As a penalty for repeated code violations by a contractor, his agents or employees; or
 - b. To indemnify the consolidated city against any loss, damage or expense sustained by the city by reason of the conduct of the contractor, his agents or employees.
- (2) A person, partnership or corporation which holds a property interest in the real estate on which sewer work has occurred may bring an action against the bond for expenses necessary to correct code deficiencies therein after written notice of the code deficiency has been given to the contractor and after the contractor is given a reasonable opportunity to correct performance. If such a person, partnership or corporation prevails in any action brought under this section, he may also be allowed by the court to recover as part of the judgment a sum equal to the aggregate amount of costs and expenses, including attorneys' fees based on actual time expended determined by the court to have been reasonably incurred by the plaintiff for or in connection with the commencement and prosecution of such action, unless the court in its discretion determines that an award of attorneys' fees would be inappropriate. (G.O. 44, 1978, § 12; G.O. 78, 1978, §§ 2(g), 4(b); G.O. 96, 1978, § 1; G.O. 41, 1979, § 3)

Secs. 27-23—27-40. Reserved.

ARTICLE III. INDUSTRIAL DISCHARGE PERMITS*

~~Sec. 27-41. Required; application; term; renewal; conditions; fees; sanctions; nonassignable.~~

Sec. 27-41. Required.

-(a) All industrial users proposing to connect to or discharge into a city sewer must obtain a discharge permit before connecting to or discharging into a city sewer. All industrial users connected to or discharging into a city sewer must apply for a discharge permit within ninety (90) days after February 27, 1978.

Sec. 27-42. Application.

-(b) The director shall have authority to prescribe a discharge permit application form. The application form may require the following information:

- (1) Name, address and standard industrial classification number;
- (2) Volume of waste water to be discharged;
- (3) The waste water characteristics, including but not limited to, BOD, suspended solids, ammonia and pH;
- (4) Estimates of slug discharges;
- (5) Location of building drain and/or building sewer;
- (6) Federal pretreatment standards applicable to the discharge;

define

*Submit
sample permit
application
+ permit form*

- list of environmentally control permits held by facility ~~etc.~~ including the permit number (i.e. Hazardous waste, air, etc. issued by Federal, State or local agencies)
- SPCC plans if any
- raw materials / chemicals utilized

Need to list info required by 403.12(b)(1)-(7) or a draft permit application covering these requirements.

- (7) If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard:

The following conditions shall apply to this schedule:

(a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(b) No increment referred to in paragraph (a) shall exceed 9 months.

(c) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the director.

- (8) ~~-(7)~~ Any other information as may be deemed by the director to be necessary to evaluate the discharge permit application.

~~-(e)~~ The discharge permit application is to be signed and sworn to by:

- (1) In the case of a corporation or an association, an officer, or his duly authorized representative, if such representative is responsible for the overall operation

of the facility from which the discharge described in the application form originates;

- (2) In the case of a partnership, a general partner;

- (3) In the case of a sole proprietorship, by the proprietor;
- (4) In the case of a government agency, by the principal executive officer.

Sec. 27-43. Term.

~~(d)~~ The discharge permit shall be for a term of three (3) years. Any person wishing to continue to discharge to a city sewer beyond the term of the discharge permit shall apply for a renewal of the discharge permit at least thirty (30) days prior to the expiration of said permit.

Sec. 27-44. Conditions.

~~(e)~~ The director may prescribe conditions to the discharge permit which may include the following:

~~(1) Applicable federal and/or state laws, regulations or orders;~~

~~(2) Limits on the waste water characteristics other than those in section 27-3, including but not limited to, polychlorinated biphenyls and polybrominated biphenyls for the protection of public health or the waste water works. The director shall apply applicable federal pretreatment standards or, in the absence of such standards, limits may be based on the best practical technology.~~

~~(3) Appropriate reporting of waste water characteristics.~~

- (1) the unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

- (2) Limits on the average and maximum wastewater constituents and characteristics;
- (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- (4) Requirements for installation and maintenance of inspection and sampling facilities;
- (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests, and reporting schedule;
- (6) Compliance schedules;
- (7) Requirements for submission of technical reports or discharge reports;
- (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording City access thereto;
- (9) Requirements for notification of the City of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
- (10) Requirements for notification of slug discharges as per 5.2;
- (11) Other conditions as deemed appropriate by the City to ensure compliance with this Ordinance.

Sec. 27-45. Permit Modifications.

Is this Right? → Within 9 months *or earlier* of the promulgation of a National Categorical Pretreatment Standard, the Industrial Discharge Permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for an Industrial Discharge Permit as required by Section 27-41, the user shall apply for an Industrial Discharge Permit within 180 days after the promulgation of the Applicable National Categorical Pretreatment Standard. In addition, the user with an existing discharge permit shall submit to the

- check me (I think)

what about modifications to incorporate conditions pursuant to 27-44 (9) and (11) above?

director within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by Section 27-42.

Sec. 27-46. Fees.

There shall be a fee of twenty-five dollars (\$25.00) for the original application for a discharge permit and a fee of ten dollars (\$10.00) for each renewal.

~~(g) It shall be unlawful for any person to discharge into a city sewer unless said person holds a valid discharge permit or has filed a discharge permit application or renewal application, pending a decision by the director. In addition to any remedies the city has to sanction unlawful discharges, the city may seek injunction relief.~~

Sec. 27-47. Nonassign-
ability

~~(h) The discharge permits are issued to a specific person for a specific operation and do not constitute a property interest nor shall the discharge permit be assigned, conveyed or sold to a new owner, new user, different premises or a new or changed operation. (G.O. 44, 1978, § 4; G.O. 78, 1978, § 2(h))~~

Sec. 27-48. Compliance Date Report. *define*

define Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the system, any user subject to Pretreatment Standards and Requirements shall submit to the director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the user facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

Is this intended to cover Federal as well as local standards & requirements?

Sec. 27-49. Periodic Compliance Reports.

Any user subject to a Pretreatment Standard set forth in this Ordinance, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the wastewater works, shall submit to the director during the months of June and December, unless required more frequently in the Pretreatment Standard or by the director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in Section 27-48. At the discretion of the director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the director may agree to alter the months during which the above reports are to be submitted.

define underlined terms
Reports of permittees shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the director, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All analysis shall be performed in accordance with 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the director. Sampling shall be performed in accordance with the techniques approved by the director. (Comment: Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator of the U.S. EPA.)

Sec. 27-50.

Sec. ~~27-42~~. Confidential information.

The director shall protect any information (other than effluent data) contained in the application forms, or other records, reports or plans as confidential upon showing by any person that such information if made public would divulge methods or processes entitled to protection as trade secrets of such persons. (G.O. 44, 1978, § 5; G.O. 78, 1978, § 2(i))

excessively restrictive on state & federal agencies

Information accepted by the City with a claim of confidentiality, shall be safeguarded by the City and shall not be transmitted to any government agency or to the public until and unless a 15-day notification is given to the user. During that 15-day period, the user shall submit a justification of confidentiality to the director. A determination of confidentiality shall be made by the director pursuant to regulations used by the Indiana Stream Pollution Control Board for Acquisition of and Public Access to Agency Information, 330 IAC 5-1.5-1 et seq. } *define*

Sec. 27-51. Emergency Suspension of Service and Discharge Permit.

The director may, without notice or hearing, suspend the wastewater treatment service and/or an Industrial Discharge Permit when such suspension is necessary, in the opinion of the director, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the wastewater works, or causes the City to violate any condition of its NPDES Permit.

Any user notified of a suspension of the wastewater treatment service and/or the Industrial Discharge Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the director shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the wastewater works or endangerment to any individuals. The director shall reinstate the Industrial Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. The user shall pay all costs associated with reconnecting to the City sewer. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the director within 5 days of the date of occurrence.

Sec. 27-52

Sec. ~~27-43~~ Revocation.

The director may revoke the discharge permit of any person for any of the following:

- (a) Violation of this chapter or of any applicable state and/or federal law including regulations;
- (b) Failure to timely file any discharge reports;
- (c) Failure to factually report waste water characteristics;
- (d) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- (e) Violation of conditions of the permit. (G.O. 44, 1978, § 7; G.O. 78, 1978, § 2(j))

Sec. 27-53. Notification of Violation.

Whenever the director finds that any user has violated or is violating this Ordinance, Industrial Discharge Permit, or any prohibition or limitation of requirements contained herein, the director may serve upon such person a written notice stating the nature of the violation. Within 15 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the City by the user.

Sec. 27-54

Sec. ~~27-44~~. Notice of revocation.

Except in cases of willfulness or those in which public health interest or safety requires otherwise, the revocation, withdrawal or suspension of a discharge permit is lawful only if, before the institution of proceedings thereof, the permittee has been given:

- (a) Notice by the director in writing of the facts of conduct which may warrant the action

Sec. 27-55. Show Cause Hearing.

The director may order any user who causes or allows an unauthorized discharge to enter the wastewater works to show cause at a departmental hearing why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held before the director or an appointed hearing officer, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail at least 10 days before the hearing.

Sec. 27-56. Appeals.

A user may file with the director a written request for reconsideration, within 15 days, of any action, decision or determination taken as part of the department's administrative enforcement program. The request shall set forth in detail the facts surrounding the request. The director shall make his final determination within 10 days of the request.

The user may further appeal to the Board of Public Works within 15 days of any final decision of the director.

Sec. 27-57. Pretreatment.

Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the user's initiation of the changes.

The City shall annually publish in the largest City newspaper a list of the users which have significantly violated any Pretreatment Requirements or Standards during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

For purposes of this section, significant violations shall be those violations which remain uncorrected 45 days after notification of noncompliance; which are part of a pattern of noncompliance over the 12-month period; which involved failure to accurately report noncompliance; or which resulted in the director's taking enforcement action against the violation.

ARTICLE IV. RATES, CHARGES AND BILLING

DIVISION 1. GENERALLY

Sec. 27-75. Sewerage service charge imposed.

There is hereby charged to each person owning or occupying real estate within the Indianapolis Sanitary District that is partially or entirely exempt from property taxation and is connected with and uses the waste water works of the department of public works, by or through any part of the sewerage system, or that in any way uses or is served by such works, either directly or indirectly, a sewerage service charge payable to the department of public works as provided in this division. (G.O. 68, 1972, § 2)

Sec. 27-76. Rate of charges.

The sewerage service charge imposed by this division shall be based upon the quantity of water used by the person owning or occupying the subject real estate, and measured by Indianapolis Water Company meters or by meters acceptable to the director of the department of public works, as follows:

SCHEDULE OF RATES EFFECTIVE JUNE 1, 1972

<i>Block Rate</i>	<i>Monthly (cubic feet)</i>	<i>Per 100 Cubic Feet</i>
First	1,000	\$0.50
Next	3,000	0.36
Next	46,000	0.26
Next	50,000	0.16
Over	100,000	0.12

Minimum Charge per Meter

<i>Size of Meter</i>	<i>Monthly Minimum</i>
5/8 inch.....	\$ 5.00
3/4 inch.....	5.00
1 inch	7.50
1 1/2 inch	7.50
Over 1 1/2 inch	25.00

(G.O. 68, 1972, § 3)

Sec. 27-77. Contract for billing by Indianapolis Water Company.

The department of public works shall enter into a contract with the Indianapolis Water Company for the use of its services in ascertaining water volume to be utilized in determining charges imposed by this division, in billing for such charges and for the payment to it of just and reasonable compensation for its services. All persons subject to the rates imposed by this division and who are connected to the Indianapolis Water Company system shall have their water meters read and shall be billed in accordance with the rules and regulations of the Indianapolis Water Company as may be enforced according to law from time to time, payable within ten (10) days after mailing of the billings to the department of public works. (G.O. 68, 1972, § 4)

Secs. 27-78—27-87. Reserved.

Division 2. Rates for Industrial Wastes

Sec. 27-88. Applicability of rates.

There is hereby established an industrial waste rate, set out in this division, to be charged to and collected from any person owning or occupying real estate connected to the city sewerage system, which at any time discharges industrial waste into the system which exceeds in strength and character sewage normally discharged by a residence. The rate shall be applicable when the person is served by the sanitary sewerage system, either directly or indirectly, if the real estate is subject to the special tax levied by the Indianapolis Sanitary District Special Taxing District or is served by a sewer service agreement providing for the application of the rate established in this division. In addition, there is hereby established a schedule of charges and fees, set out in this division, to recover the cost of the City's Pretreatment Program.

Sec. 27-89. Rates established.

The charges for the transportation, treatment and disposal of industrial wastes shall be determined by the amount and strength of the waste and at the rates as follows:

VOLUME CHARGE

The following monthly charges are hereby imposed on the monthly volume of fluid input into the sanitary sewerage system:

<i>Gallons per Month</i>	<i>Rate per 1,000 Gallons</i>
10,500	No charge
10,500 to 35,500	\$0.20
35,500 to 2,000,000	0.16
2,000,000 to 10,000,000	0.12
10,000,000 to 50,000,000	0.08
Over 50,000,000	0.06
Minimum charge on any monthly billing: \$5.00.	

STRENGTH CHARGE

The following monthly charges are hereby imposed on the volume of excess suspended solids and/or BOD strength determined by the application of the formula prescribed below:

- (1) \$0.017 per pound BOD;
- (2) \$0.0244 per pound suspended solids;

Formula for determining excess BOD and suspended solids strength:

$$S = V_s \times .00075 \times 8.34(\$0.0170[BOD - 350] + \$0.0244[SS - 400])$$

S = Strength charge in dollars

V_s = Sewage volume in hundred cubic feet

.00075 = Hundred cubic feet to million gallons

8.34 = Pounds per gallons of water

\$0.0170 = Unit charge for BOD in dollars per pound

BOD = BOD strength index of parts per million by weight

350 = Allowed BOD strength in parts per million by weight

\$0.0244 = Unit charge for suspended solids in dollars per pound

SS = Suspended solids strength index in parts per million by weight

400 = Allowed SS strengths in parts per million by weight. (G.O. 305, 1970, § 3; G.O. 294, 1971, § 1; G.O. 146, 1972, § 1)

Sec. 27-90. Computation of charges.

The computation of the total charges under this division shall be by the application of the volume rate formula and the strength rate formula to the monthly industrial waste discharges to the city sanitary sewerage system. (G.O. 305, 1970, § 4)

Sec. 27-91. Estimate by contributor of contribution to city system.

(a) Each person subject to the rates established in this division shall by the tenth day of the following month furnish the director:

- (1) An estimate of the volume discharged the prior month in any case where the volume of water purchased from the Indianapolis Water Company is either more or less than the volume of liquid industrial waste discharged into such sanitary sewerage system; and
- (2) An estimate of the representative volume of the strength of the waste, BOD of suspended solids thus discharged, whether or not such amounts are in excess of that of the amounts permitted under this division.

(b) All measurements, tests and analyses of the characteristics of such waste shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Sewage*, as published jointly by the American Public Health Association and the Water Pollution Control Federation or by other methods generally accepted under established sanitary engineering practices and approved by the director.

(c) The reports submitted pursuant to this section shall be subject to verification by the director, but may serve as the basis for billing with all necessary adjustments in the amounts to be made after verification. In the event an analysis and volume of the industrial waste is not furnished to the director by the time required by this section, the charges shall be based upon estimates made by the director as provided in this division. (G.O. 305, 1970, § 5)

Sec. 27-92. Billing estimates by the director.

The director shall have the authority to estimate the volume and strength of the industrial waste in the event the persons subject to the rates established by this division fail to file the estimate of contribution required by this division. The estimate shall be based upon analyses and volumes of a similar installation, or the amount of water supplied to the premises by the water utility, or the amount of water supplied to the premises by any private sources of water, or the volume and analysis as determined by measurements and samples taken by the director, or an estimate determined by the director by any combination of the foregoing, or by any other equitable method. The failure to file a written objection to such an estimate within ten (10) days after mailing of the written notice thereof to the person liable therefor shall constitute a waiver of any right to object or appeal the estimate made by the director pursuant to this section. (G.O. 305, 1970, § 6)

Sec. 27-93. Alternative methods of determining charges.

In cases where measurements are difficult to make or the industrial waste composition changes frequently or representative samples are difficult to get or where other methods of measurement are necessitated for other sound engineering reasons as determined by the director, the director shall have the authority to use such other basis for determining charges under this division as shall be reliably indicative of volume, BOD and suspended solids strength of the particular industrial waste, such as but not limited to, water purchase or usage, character of products and comparisons between the subject data and collected data from like persons. (G.O. 305, 1970, § 5)

Sec. 27-94. Charges and Fees for City's Pretreatment Program.

Charges and fees shall be established to provide for the recovery of costs from industrial users of the City's wastewater treatment system to recover the cost of the pretreatment program. The applicable charges or fees shall be set forth in the City's schedule of fees and charges and may include:

- (a) fees for reimbursement of costs of setting up and operating the City's Pretreatment Program;
- (b) fees for monitoring, inspections and surveillance procedures;
- (c) fees for reviewing accidental discharge procedures and construction;
- (d) fees for permit applications;
- (e) fees for filing appeals;
- (f) fees for consistent removal (by the City) of pollutants otherwise subject to Federal Pretreatment Standards;
- (g) other fees as the City may deem necessary to carry out the requirements contained herein.

Sec. 27-95

Sec. 27-94. Inspections by the director.

The director shall have the right at any reasonable time to enter upon the land of any person subject to this division to set up such equipment as is necessary to verify any reports submitted by a contributor pursuant to this division. It shall be the duty of such person to provide all necessary clearance before entry and not to unreasonably delay or hinder the director in carrying out the measuring and sampling. (G.O. 305, 1970, § 5)

Sec. 27-96

Sec. 27-95. Time for payment of charges.

All charges established pursuant to this division shall be payable within ten (10) days after mailing of the billings therefor. All payments made by a person based upon the reports submitted shall become final unless verification is made and notice given by the director of necessary adjustments within one (1) year of the payment. Underpayment of the charges based on errors in the user's reports and estimates shall be billed forthwith on ascertainment thereof. Overpayment of charges arising from any cause shall first be applied to unpaid billings and then the excess shall be refunded. (G.O. 305, 1970, § 5)

Sec. 27-97

Sec. ~~27-96~~. Contracts with the Indianapolis Water Company.

The board is authorized to enter into a contract with the Indianapolis Water Company for the use of its services in ascertaining water volume to be utilized in determining charges imposed by this division and in billing for and collecting such charges, and for the payment to it of just and reasonable compensation for its services. (G.O. 305, 1970, § 7)

Sec. 27-98

Sec. ~~27-97~~. Appeals to the board.

(a) Any person subject to this division may appeal the charges assessed against him to the board and shall have a hearing upon the following conditions:

- (1) That the person submits billing estimates or authorizes the director to make such estimates;
- (2) That the person has good cause to believe that the charges assessed are in error;
- (3) That notice in writing has been given to the board within one hundred eighty (180) days of receipt of the charges in question.

(b) The board is directed to notify the person making the appeal of the time and place when his appeal will be heard. Upon evidence sufficient to the board submitted at the hearing that the charges are in error, the board shall make adjustments in the charges. Adjustments may be in the form of a refund or a credit against subsequent assessments of the charges provided for in this division. (G.O. 305, 1970, § 8)

Sec. 27-99

Sec. ~~27-98~~. Rate review.

(a) The director shall cause a report to be made concerning the effect of the industrial waste rates and charges on the persons subject thereto. Such report shall include the amount, character and strength of the industrial waste discharged into the sewerage system and accounting of the revenues produced by the industrial waste rates.

(b) If the revenues are shown in a rate review report to be excessive, the board will review the industrial waste rates and cause the necessary decrease in the rates. (G.O. 305, 1970, § 9)

Sec. 27-100

Sec. ~~27-99~~. Rules and regulations.

The board, by resolution, shall promulgate rules and regulations necessary to implement and carry out the provisions of this division not inconsistent therewith. Before any such rules or regulations shall become effective, the board shall give notice and hold a public hearing, according to the procedure provided in chapter 160, Acts of 1953, section 3, for the establishment of rates and charges. (G.O. 305, 1970, § 10)

Sec. 27-101

Sec. ~~27-100~~. Board charges not duplicated.

This division is intended to confirm and effectuate the sewage treatment and disposal charges provided for in the Confirming Rate Resolution for Industrial Waste, Department of Public Works Resolution Number 2023-1970, adopted December 7, 1970, and does not impose any charges duplicating or in addition to the identical charges provided for in that resolution. Such charges shall be payable under that resolution if it is legally effective to impose the charges and not under this division. If said resolution is not legally effective to impose the charges, then the charges shall be imposed by this division. (G.O. 305, 1970, § 11)

**DIVISION 3. SEWER USER CHARGE AND
INDUSTRIAL COST RECOVERY CHARGE**

Sec. 27-102

Sec. ~~27-101~~. Sewer user charge imposed.

Effective November 1, 1977, there is hereby imposed a sewer user charge payable to the department of public works upon each person owning or occupying real estate that is connected with and uses the waste water works whether or not real estate taxes are imposed pursuant to Indiana Code, Section 19-2-14 upon such real estate. (G.O. 63, 1977, § 2; G.O. 90, 1980, § 2)

Sec. 27-103

Sec. ~~27-102~~. Rates.

(a) *Established.* The sewer user charge imposed by this division shall be based upon the following general formulas:

$$V_T = V_{u_1} + V_{u_2} \dots + V_{u_n}$$
$$V_c = \frac{C_T - C_I - C_I' - C_u - C_E - I}{V_T} + \frac{0.25(C_I + C_I' + C_u)}{V_T}$$
$$C_c = \frac{0.75(C_I + C_I' + C_u)}{T_c} \div 12$$

Nonindustrial user:

$$R = V_u(V_c) + C_c$$

Industrial user:

$$R = V_u(V_c) + B_c(B) + S_c(S) + N_c(N) + P_c(P) + V_u(I_u) + C_c$$

Where

C_c = Availability of service charge per month.

C_T = Total operation and maintenance cost per a unit of time.

C_i = Operation and maintenance cost to transport and treat infiltration per a unit of time.

C_I = Operation and maintenance cost to transport and treat inflow per a unit of time.

C_u = Operation and maintenance cost to transport and treat unmetered water per a unit of time.

C_E = Operation and maintenance cost to treat wastes in excess of base level strength.

V_c = Operation and maintenance cost to transport and treat a unit of users' wastes equal to or below the base level strength.

B_c = Operation and maintenance cost to treat a unit of BOD.

S_c = Operation and maintenance cost to treat a unit of SS.

N_c = Operation and maintenance cost to treat a unit of ammonia nitrogen.

P_c = Operation and maintenance cost to treat any other pollutant.

B = Amount of BOD from a user above a base level.

S = Amount of SS from a user above a base level.

N = Amount of Nitrogen from a user above a base level.

P = Amount of any other pollutant from a user above a base level.

V_u = Volume contribution per user per a unit of time.

V_T = Total volume contribution from all users per a unit of time (does not include infiltration, inflow and unmetered).

I = Industrial surveillance cost per a unit of time.

I_u = Industrial surveillance cost per a unit of industrial volume per a unit of time.

R = User's charge for operation and maintenance per a unit of time.

V_R = Total waste water contributed by residential customers per a year.

T_c = Total number of connections to the system.

(b) *Application.* Until amended, the following rates or factors shall apply; effective January 1, 1981, except as hereinafter provided:

V_c = \$0.6268 per 1,000 gallons

I_c = \$0.0345 per 1,000 gallons

B_c = \$0.0559 per pound

S_c = \$0.0639 per pound

C_c = \$2.30 per month

N = \$0.1546 per pound (rate to be imposed on discharge beginning July 1, 1981).

(c) *Minimum charge and base level.* The minimum charge on any monthly billing for an industrial user shall be \$5.28 and nonindustrial user shall be \$5.12. Further, for the purpose of the foregoing formulas, the BOD base level shall be 250 milligrams per liter, and SS base level shall be 300 milligrams per liter and $NH_3 - N$ base level shall be 20 milligrams per liter. The industrial and nonindustrial rates and charges will be based on the quantity of water used on or delivered to the property or premises subject to such rates and charges, as the same is measured by the water meters

in use and the strength of the waste where applicable except as hereinafter provided. (G.O. 63, 1977, § 2; G.O. 90, 1980, § 2)

Sec. 27-104

~~Sec. 27-103. Industrial cost recovery charge imposed.~~

Repealed

~~For each industrial user of the waste water works, or part thereof that was constructed in whole or in part with federal construction grants made to the city pursuant to the Federal Water Pollution Control Act Amendments of 1972, said industrial user shall be charged and pay to the city that portion of the cost of construction of the waste water works which is allocable to the treatment and transportation of such industrial waste to the extent attributable to the federal share of the cost of construction. The board of public works is hereby empowered to establish, by resolution, such industrial cost recovery rates consistent with federal law, U.S. Environmental Protection Agency rules and guidelines, as soon as practical after the final federal grant or grants amounts have been determined. No such rate shall be established until after a public hearing. Said public hearing shall be in accordance with the procedures set forth in Indiana Code, Section 19-2-14-4. (G.O. 63, 1977, § 2; G.O. 90, 1980, § 2)~~

Sec. 27-105

~~Sec. 27-104. Billing estimates and reports.~~

(a) In the event a nonindustrial user subject to such rates and charges is not served by a public water supply or water used is not completely metered, the director shall have the authority to estimate the volume and strength of the waste and use such estimate for the purposes of billing rates and charges. The estimates shall be based upon analyses and volumes of a similar installation or the volume and analysis as determined by measurements and samples taken by the director or an estimate determined by the director or by any combination of the foregoing or other equitable method.

(b) Unless otherwise established by the director, each industrial user subject to the rates and charges shall report to the director by the tenth day of the following month on a form prescribed by the director an estimate of the volume discharged in the prior month and a representative value of the strength of the waste, including but not limited to BOD, SS and [ammonia] nitrogen. All measurements, tests and analyses of the characteristics of such waste shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Sewage" as published jointly by the American Public Health Association and the Water Pollution Control Federation consistent with 40 CFR Part 136 or by other methods generally accepted under established sanitary engineering practices and approved by the director. The reports submitted shall be subject to verification by the director but may serve as the basis for billing with all necessary adjustments in the amounts to be made after verification. In the event an analysis and volume of the industrial waste is not furnished to the director by the aforementioned time, the charges shall be based upon estimates made by the director, as provided in section 27-104(a).

(c) The director shall have the right to enter upon the land of the industrial user and to set up such equipment as is necessary to certify the reports submitted. It shall be the duty of the industrial user to provide all necessary clearance before entry and not to unnecessarily delay or hinder the director in carrying out the measuring and sampling. The right of entry shall exist during any time the industrial user is operating or open for business.

(d) In cases where measurements are difficult to make, or the industrial waste composition changes frequently, or representative samples are difficult to get, or where other methods of measurement are necessitated for other sound engineering reasons as determined by the director, the director shall have the authority to use such other basis for determining said charges as shall be reliably indicative of volume and BOD, SS and nitrogen strengths of particular industrial waste, such as, but not limited to, water purchase or usage, character of products, comparisons between the industrial user data and collected data from like industries.

(e) The cost of all tests, measurements and analyses taken by the director pursuant to the department of public works' responsibility to perform industrial monitoring programs, defined and directed by local, state and federal agencies, shall be charged to the industrial user tested in an amount equal to the actual average cost of said test, measurement or analyses as determined at the close of each calendar year. These costs shall be due and payable as provided in this division. (G.O. 63, 1977, § 2; G.O. 90, 1980, § 2)

Sec. 27-106

Sec. ~~27-105~~. Contract for billing by the Indianapolis Water Company.

(a) The board is authorized to enter into a contract with the Indianapolis Water Company for the use of its services in ascertaining water volume to be utilized in determining charges imposed by this division and in billing for and collecting such charges and for the payment to it of just and reasonable compensation for its said services.

(b) Billings for such rates and charges provided for by this division shall be made in a cycle which coincides with the billing procedure of the Indianapolis Water Company, or in the case where the person subject to such rates and charges is not a customer of the Indianapolis Water Company, such billing cycle shall be determined by the director.

(c) Rates and charges shall be due to the department of public works within seventeen (17) days after mailing of billings[, with the exception and rates and charges assessed against or to be paid by a federal, state, county or municipal governmental unit, which shall be due within sixty (60) days]. All payments made by a person based upon the reports submitted as provided for in this division shall become final unless verification is made and notice given by the director of necessary adjustments within one year of said payment. Underpayment of charges based on errors in users' reports and estimates shall be billed on ascertainment thereof. Overpayment of charges arising from any cause shall first be applied to unpaid billings. (G.O. 63, 1977, § 2; G.O. 36, 1979, § 1; G.O. 90, 1980, § 2)

Sec. 27-107

Sec. ~~27-106~~. Use by other political subdivisions.

No use of the waste water works shall be allowed by any other political subdivision of the state unless and until the director shall have determined that all rates and charges, including industrial cost recovery of such political subdivision, are consistent with this division, the laws of the United States and regulations of the U.S. Environmental Protection Agency. (G.O. 63, 1977, § 2; G.O. 90, 1980, § 2)

Sec. 27-108

Sec. ~~27-107~~. Applicable to sewer service agreements.

All sewer service agreements to which the department of public works is a party shall be amended to reflect the rates and charges as provided for in this division. (G.O. 63, 1977, § 2; G.O. 90, 1980, § 2)

Sec. 27-109

Sec. ~~27-108~~. Rules and regulations authorized.

After the passage of General Ordinance No. 63, 1977, and from time to time thereafter as may be needed, the board may by resolution promulgate rules and regulations necessary to implement and carry out the provisions of this division and not inconsistent therewith. (G.O. 63, 1977, § 2; G.O. 90, 1980, § 2)

Sec. 27-110

Sec. ~~27-109~~. Appeals to the board.

(a) Any person subject to this division may appeal the charges assessed against him to the board and shall have a hearing upon the following conditions:

- (1) That the person submits billing estimates or authorizes the director to make such estimates;
- (2) That the person has good cause to believe that the charges assessed are in error;
- (3) That notice in writing has been given to the board within sixty (60) days of receipt of the charges in question.

(b) The board is directed to notify the person making appeal of the time and place when his appeal will be heard. Upon evidence sufficient to the board submitted at the hearing that the charges are in error, the board shall make adjustments in the charges. Adjustments may be in the form of a refund or a credit against subsequent assessments of the charges provided for in this division. (G.O. 63, 1977, § 2; G.O. 90, 1980, § 2)

Sec. 27-111

Sec. ~~27-110~~. Exceptions.

(a) In the case of one-, two- or multi-family residences the billing for sewage service for the months of June, July and August shall be based upon the water used or delivered for the previous months of March and April. In the event the water used for said previous months of March and April is greater than the water used for said months of June, July and August, then the billing for sewage service shall be computed on the actual water used in the month for which the sewage service bill is being rendered.

(b) Where a metered water supply is used for fire protection as well as for other uses, the director may, at his discretion, make adjustments in the sewer user charge as may be equitable. In such cases the burden of proof as to the type of water usage shall be upon the user.

(c) Where a metered water supply is used for fire protection only, the sewer user charge shall not apply. (G.O. 63, 1977, § 2; G.O. 90, 1980, § 2)

Sec. 27-112

Sec. ~~27-110.1~~. Rate review.

Each year at a time deemed appropriate by the director, the director shall cause a financial study to be conducted to determine the various costs identified in the foregoing, and report to the city-county council the need for any necessary adjustments in the rates and charges. (G.O. 63, 1977, § 2; G.O. 90, 1980, § 2)

Sec. 27-113

Sec. ~~27-110.2~~. Charges not duplicated; repeal of Divisions 1 and 2 upon this division becoming effective.

(a) Division 3 is intended to confirm and effectuate the sewer user and industrial cost recovery charges provided for in the confirming rate resolution of the department of public works, Resolution No. 2444 adopted November 10, 1980, and does not impose any charges duplicating or in addition to the identical charges provided for in that resolution. Such charges shall be payable under that resolution if it is legally effective to impose the charges and not under this division. If said resolution is not legally effective to impose the charges, then the charges shall be imposed by this division.

(b) Division 3 of Article IV of Chapter 27, Code of Indianapolis and Marion County, as set forth herein is intended to confirm and effectuate the sewer user charge and industrial cost recovery system of funding mandated by regulation of the U.S. Environmental Protection Agency and is designed to replace charges established by Divisions 1 and 2 of Article IV of Chapter 27, Code of Indianapolis and Marion County. Such charges established by Divisions 1 and 2 of Article IV are hereby expressly repealed when the charges set forth in Division 3 become legally effective. If General Ordinance No. 90, 1980, for any reason does not become legally effective to impose said charges, then the charges of Divisions 1 and 2 of Article IV of Chapter 27, Code of Indianapolis and Marion County, shall be preserved and remain in full force and effect. (G.O. 63, 1977, § 2; G.O. 90, 1980, § 2)

Sec. 27-114 to 27-119. Reserved.

ARTICLE V. PRIVATE DISPOSAL FACILITIES

- Sec. 27-120 **Sec. ~~27-111~~. Conformity with this article required.**
- Except as provided in this article, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of waste water. (G.O. 145, 1972, Art. II, § 3)
- Sec. 27-121 **Sec. ~~27-112~~. When use required.**
- Where a public sanitary or combined sewer is not available under the provisions of this chapter, the building sewer shall be connected to a private waste water disposal system complying with the provisions of this article. (G.O. 145, 1972, Art. III, § 1)
- Sec. 27-122 **Sec. ~~27-113~~. Permit required; fee.**
- Before the commencement of construction of a private waste water disposal system, the owner shall first obtain a written permit therefor signed by the director. The application for the permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the director. A permit and inspection fee of one hundred dollars (\$100.00) shall be paid to the city at the time the application is filed. (G.O. 145, 1972, Art. III, § 2)
- Sec. 27-123 **Sec. ~~27-114~~. Approval of the director required; inspections.**
- A permit for a private waste water disposal system as required by this article shall not become final until the installation is completed to the satisfaction of the director; he shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the director when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the director. (G.O. 145, 1972, Art. III, § 3)
- Sec. 27-124 **Sec. ~~27-115~~. Conformity with health regulations required.**
- The type, capacities, location and layout of a private sewage disposal system shall comply with all regulations of the department of public health of the state and of the county health and hospital corporation. No septic tank or cesspool shall be permitted to discharge into any natural outlet in any circumstance. (G.O. 145, 1972, Art. III, § 4)
- Sec. 27-125 **Sec. ~~27-116~~. Authority of health officer not impaired.**
- Nothing contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer. (G.O. 145, 1972, Art. III, § 7)

Sec. 27-126

Sec. ~~27-117~~. Maintenance.

The owner of private waste water disposal facilities shall operate and maintain such facilities in a sanitary manner at all times, at no expense to the city. (G.O. 145, 1972, Art. III, § 6)

Sec. 27-127

Sec. ~~27-118~~. Abandonment of facilities.

(a) At such time as a public sewer becomes available to a property served by a private waste water disposal system as provided in this article, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private waste water disposal facilities shall be abandoned and filled with suitable material.

(b) When a public sewer becomes available as provided in subsection (a), the building sewer shall be connected to the sewer within sixty (60) days and the private waste water disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt. (G.O. 145, 1972, Art. III, §§ 5, 8)